

Message Text

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ACTION A-01

INFO OCT-01 ARA-10 ISO-00 SCSE-00 SCA-01 SSO-00 L-03 DHA-02

H-02 EB-07 /027 W

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O 160023Z SEP 76 ZFF-4

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 7427

UNCLAS MEXICO 11915

E.O. 11652: N/A

TAGS: CASC, MX (HILL AIRCRAFT AND LEASING)

SUBJ: CONFISCATED AIRCRAFT N-522-S

REF: STATE 228198

1. THE CASE OF THE HILL AIRCRAFT N-522-S IS A GOOD ILLUSTRATION OF THE PROBLEM THE EMBASSY FACES IN ATTEMPTING TO OBTAIN RECOVERY OF CONFISCATED AIRCRAFT AND VEHICLES UNDER THE 1936 CONVENTION. THE AIRCRAFT WAS SEIZED MARCH 10, 1975 IN TORREON AND THE PILOT CHARGED WITH ILLEGAL ENTRY INTO MEXICO. UNDER MEXICAN LAW, AIRCRAFT ENTERING WITHOUT PROPER DOCUMENTATION ARE SUBJECT TO CONFISCATION. HILL AIRCRAFT AND LEASING AT FIRST ATTEMPTED TO OBTAIN RECOVERY OF AIRCRAFT BY DIRECT NEGOTIATIONS BETWEEN LOCALLY-HIRED ATTORNEY AND AUTHORITIES IN TORREON, LATER BY NEGOTIATIONS BETWEEN ATTORNEY IN MEXICO CITY AND FEDERAL AUTHORITIES. EMBASSY WAS VERY LITTLE INVOLVED IN EFFORTS TO RECOVER AIRCRAFT UNTIL NOVEMBER 1975, WHEN HILL'S ATTORNEYS INDICATED INTEREST IN PURSUING CLAIM FOR RECOVERY OF AIRCRAFT UNDER CONVENTION.

2. BY MARCH 15, 1976, HILL'S ATTORNEYS HAD ASSEMBLED ALL OF THE DOCUMENTS NECESSARY TO SUPPORT CLAIM UNDER THE CONVENTION, AND EMBASSY DIPLOMATIC NOTE FORWARDING DOCUMENTS TO SECRETARIAT OF FOREIGN RELATIONS WAS PREPARED MARCH 18. SINCE THAT DATE, EMBASSY HAS FOLLOWED UP FREQUENTLY WITH FOREIGN RELATIONS, BY TELEPHONE, BY EMBOFF CALLS IN PERSON, AND BY FOLLOW-UP DIPLOMATIC

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NOTE. WHEN THESE EFFORTS PRODUCED NO RESULTS, HILL CAME

TO MEXICO CITY ON AUGUST 1 AND WAS TAKEN TO FOREIGN RELATIONS BY EMBOFF. AT THAT TIME HILL WAS ASSURED BY LIC. BONILLA OF FOREIGN RELATIONS THAT DOCUMENTS WOULD BE FORWARDED TO ATTORNEY GENERAL'S OFFICE BY HIS OFFICE THAT DAY. HE ALSO STATED THAT AIRCRAFT WOULD BE RETURNED IN ONE WEEK'S TIME. SINCE THAT TIME, EMBASSY HAS ATTEMPTED TO TELEPHONE OR CONTACT PERSONALLY LIC. BONILLA AT LEAST TWICE WEEKLY ON THIS AIRCRAFT, BUT SO FAR AS WE CAN DETERMINE, THERE HAS BEEN NO FURTHER ACTION BY MEXICAN AUTHORITIES.

3. ON AUGUST 4 EMBASSY OFFICERS DISCUSSED WITH FOREIGN SECRETARIAT LEGAL ADVISER ROSENZWEIG-DIAZ THE GENERAL PROBLEM OF EXTENDED DELAYS IN OBTAINING ACTION ON OUR REQUESTS FOR RECOVERY OF AIRCRAFT UNDER 1936 CONVENTION AND SPECIFICALLY THE FAILURE OF BONILLA'S OFFICE TO ACT ON CASE OF HILL AIRCRAFT UNTIL MORE THAN FOUR MONTHS AFTER RECEIPT OF EMBASSY'S NOTE. ROSENZWEIG-DIAZ MADE NO ATTEMPT TO APOLOGIZE OR EXPLAIN THE LACK OF ACTION BY HIS OFFICE. HE DID REFER TO GENERAL DISSATISFACTION WITHIN GOM WITH 1936 CONVENTION AND SAID THAT HIS OFFICE HAD BEGUN TO STUDY THE POSSIBILITY OF NEGOTIATING A NEW CONVENTION ON THE SUBJECT. ALTHOUGH HE TWICE REASSURED EMBASSY OFFICERS THAT GOM WOULD NOT CEASE IMPLEMENTING THE 1936 CONVENTION PENDING A PROPOSAL TO RENEGOTIATE, IT IS QUITE CLEAR TO US THAT THERE IS LITTLE IF ANY INTEREST ON GOM SIDE IN CARRYING OUT ITS RESPONSIBILITIES UNDER A CONVENTION THEY FIND BURDENSOME.

4. ROSENZWEIG-DIAZ HAS BEEN MUCH OCCUPIED IN RECENT DAYS WITH PREPARING FOR DISCUSSIONS ON TRANSFER OF SANCTIONS PROPOSAL. CONSUL GENERAL PLANS TO CONTACT HIM NEXT WEEK TO REITERATE OUR CONCERN ON THIS ISSUE AT HIGHER LEVEL. THOMPSON

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